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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/656,391

09/05/2003

Shahab M. Sayeedi

CE10336R

9575

22917 7590 01/06/2009  
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EXAMINER

PHAN, MAN U

ART UNIT

PAPER NUMBER

2419

NOTIFICATION DATE

DELIVERY MODE

01/06/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.US@motorola.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/656,391	<b>Applicant(s)</b> SAYEEDI, SHAHAB M.	
	<b>Examiner</b> Man Phan	<b>Art Unit</b> 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-8 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8,10 and 11 is/are allowed.
- 6) ☒ Claim(s) 1,6,7 and 12 is/are rejected.
- 7) ☒ Claim(s) 3, 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Amendment and Argument***

1. This communication is in response to applicant's 9/30/2008 Amendment in the application of Sayeedi for a "Method of supporting reactivation of a dormant session using stored service configurations" filed 09/05/2003. This application claims priority from provisional application 60/408,576 filed 09/06/2002. This application is a Request for Continued Examination (RCE) under 37 C.F.R. 1.114 filed on April 14, 2008. The amendment and response has been entered and made of record. Claims 1, 3, 5-8, 10-12 are pending in the application.

2. Applicant's remarks and argument to the rejected claims are insufficient to distinguish the claimed invention from the cited prior arts or overcome the rejection of said claims under 35 U.S.C. 103 as discussed below. Applicant's argument with respect to the pending claims have been fully considered, but they are not persuasive for at least the following reasons.

3. In response to Applicant's argument that the reference does not teach or reasonably suggest the functionality upon which the Examiner relies for the rejection. The Examiner first emphasizes for the record that the claims employ a broader in scope than the Applicant's disclosure in all aspects. In addition, the Applicant has not argued any narrower interpretation of the claim limitations, nor amended the claims significantly enough to construe a narrower meaning to the limitations. Since the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is required to interpret

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the claim limitations in terms of their broadest reasonable interpretations while determining patentability of the disclosed invention. See MPEP 2111. In other words, the claims must be given their broadest reasonable interpretation consistent with the specification and the interpretation that those skilled in the art would reach. See *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000), *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999), and *In re American Academy of Science Tech Center*, 2004 WL 1067528 (Fed. Cir. May 13, 2004). Any term that is not clearly defined in the specification must be given its plain meaning as understood by one of ordinary skill in the art. See MPEP 2111.01. See also *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989), *Sunrace Roots Enter. Co. v. SRAM Corp.*, 336 F.3d 1298, 1302, 67 USPQ2d 1438, 1441 (Fed. Cir. 2003), *Brookhill-Wilk 1, LLC v. Intuitive Surgical, Inc.*, 334 F.3d 1294, 1298 67 USPQ2d 1132, 1136 (Fed. Cir. 2003). The interpretation of the claims by their broadest reasonable interpretation reduces the possibility that, once the claims are issued, the claims are interpreted more broadly than justified. See *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). Also, limitations appearing in the specification but not recited in the claim are not read into the claim. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the failure to significantly narrow definition or scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims in parallel to the Applicant in the response and reiterates the need for the Applicant to distinctly define the claimed invention.

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4. Applicant's argument with respect to the rejected claims that the cited references fails to disclose or suggest the limitation "*receiving stored service configuration information from a packet control function*" as claimed. The Applicant's attention is directed to the Figs. 2 & 4 of US#6,912,214, in which Madour discloses the signaling diagrams illustrating the flow of messages between nodes in the wireless access network of Fig. 1 when a mobile station powers down during a dormant packet-data session. The session is dormant (i.e., no data is currently being transferred over the PPP session). At step 22, the dormant MS powers down and sends a power-down registration to the BSC 12. The BSC may not be aware that the packet-data session is dormant, and there is no A8 connection established with the PCF. The BSC triggers a Location Update Request 23 towards the MSC indicating that the MS has powered down. The MSC, which has previously received a Clear Request from the BSC (*or an Assignment Failure indicating "packet call going dormant"*), responds by sending a Location Update Accept message 24 to the BSC. The Location Update Accept message includes a Release indicator informing the BSC that a dormant packet call is to be released as well. At step 25, the BSC sends a Registration Acknowledgment to the MS. In parallel, the BSC 12 checks the Release indicator received in the Location Update Accept message, and determines the necessity to inform the PCF 16 that the MS has now powered down. Therefore, at step 26, the BSC triggers an A9-Update-A8 message to the PCF containing an identifier of the MS (MSID) and the UpdateReason parameter set to "MS Power Down". At 27, the PCF uses the MSID received in the A9-Update-A8 message to find the corresponding A10 connection (*the process for receiving stored service configuration information from the PCF*). The PCF starts releasing the A10 connection by sending an A11 Registration Request. Thus, the PCF sends an A11 Registration

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Request message to the PDSN with lifetime set to zero (0). The PDSN releases the A10 connection as well as the active PPP connection, and a Registration Reply is returned to the PCF containing lifetime=0. At step 28, the PCF returns an A9-Update-A8 Acknowledgment message back to the BSC (Col. 5, lines 32 plus). Furthermore, In CDMA2000 Mobile Stations (MSs) support multiple Packet Data Service Instances (PDSIs), the fast call setup feature has been proposed to support the ability to activate all dormant PDSIs simultaneously in Release "C" and Release "D" mobiles with no service negotiation. This ability to avoid service negotiation is based on utilizing the stored Service Configuration Records (SCRs). The SCR is stored both at the MS and in the Radio Access Network (RAN), and contains channel configuration information through employment of SR\_IDs and their corresponding service options for the last set of active PDSIs. A synchronization identifier (SYNC\_ID) is uniquely associated with each SCR, and used to identify it.

It's also noted that, in a CDMA wireless communication network for minimizing call set up latency in service negotiation messages, the mobile station and the base station can ensure that active set configurations and their corresponding active set identifiers are in synchronization between the mobile station and the base station using the mechanism specified in the cdma2000 standard for validation of SYNC\_ID, that is the method for restoring stored service configurations (*i.e. setting USE\_OLD\_SERV\_CONFIG - using stored service configuration information*), and direct the use of previously negotiated service parameters.

Since no substantial amendments have been made and the Applicant's arguments are not persuasive, the claims are drawn to the same invention and the text of the prior art rejection can be found in the previous Office Action. Therefore, the Examiner maintains that the references

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cited and applied in the last office actions for the rejection of the claims are maintained in this office action.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 6-7, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madour et al. (US#6,912,214) in view of Nesargi et al. (US#2005/0036463).

With respect to claims 1, 6-7, 12, Madour et al. (US#6,912,214) discloses a novel system and method for supporting reactivation of service instances in a dormant packet data session, according to the essential features of the claims. Madour discloses in Fig. 2 a signaling diagram illustrating the flow of messages between nodes in the wireless access network of Fig. 1 when a mobile station powers down during a dormant packet-data session, in which at step 26, the BSC triggers an A9-Update-A8 message to the PCF containing an identifier of the MS (MSID) and the UpdateReason parameter set to "MS Power Down"(*A9-Update-A8 message to the PCF instructing it to release the associated packet-data resources*). At 27, the PCF uses the MSID received in the A9-Update-A8 message to find the corresponding A10 connection. The PCF starts releasing the A10 connection by sending an A11 Registration Request. Thus, the PCF sends an A11 Registration Request message to the PDSN with lifetime set to zero (0)(*receiving*

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*stored service configuration information from a PCF*). The PDSN releases the A10 connection as well as the active PPP connection, and a Registration Reply is returned to the PCF containing lifetime=0. At step 28, the PCF returns an A9-Update-A8 Acknowledgment message back to the BSC (*dormant packet-data session is reactivated by reallocating a traffic channel so that the data can be transferred*) (See also Figs. 4 & 9; Col. 5, lines 55 plus and Col. 6, lines 40 plus and Col. 10, lines 35 plus).

Madour does not expressly disclose whether the BS reactivating the dormant packet data session using the stored service configuration information from a packet control function. In the same field of endeavor, Nesargi et al. (US#2005/0036463) provides for reactivating a plurality of dormant packet data service instances (PDSIs). The fast call setup feature that has been proposed to support the ability to activate all dormant PDSIs simultaneously in Release "C" and Release "D" mobiles with no service negotiation. This ability to avoid service negotiation is based on utilizing the stored Service Configuration Records (SCRs). The SCR is stored both at the MS and in the Radio Access Network (RAN), and contains channel configuration information through employment of SR\_IDs and their corresponding service options for the last set of active PDSIs. A synchronization identifier (SYNC\_ID) is uniquely associated with each SCR, and used to identify it ([0012]-[0013]). Furthermore, For minimizing call set up latency in service negotiation messages, the mobile station and the base station can ensure that active set configurations and their corresponding active set identifiers are in synchronization between the mobile station and the base station using the mechanism specified in the cdma2000 standard for validation of SYNC\_ID, that is the method for restoring stored service configurations (*i.e. setting*



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*USE\_OLD\_SERV\_CONFIG* - using stored service configuration information), and direct the use of previously negotiated service parameters.

One skilled in the art would have recognized the need for effectively and efficiently reactivation of service instances in a dormant session using the stored service configuration, and would have applied Nesargi's techniques for synchronization of stored service parameters into Madour's novel use of the dormant packet data session in supporting reactivation services. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Nesargi's method and apparatus for efficient simultaneous re-activation of multiple dormant service instances in a CDMA2000 network into Madour's optimized packet resource management with the motivation being to provide a method of supporting reactivation of a dormant session using stored service configurations.

#### ***Allowable Subject Matter***

7. Claims 8, 10, 11 are allowable.
8. Claims 3, 5 are objected to as being dependent upon the rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.
9. The following is an examiner's statement of reasons for the indication of allowable subject matter: The closest prior art of record fails to disclose or suggest wherein before receiving stored service configuration information from a packet control function, the method comprises: receiving an identifier corresponding to stored service configuration information from a mobile

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station with a dormant packet data session; and requesting stored service configuration information from a packet control function, wherein the request comprises the identifier corresponding to the stored service configuration information received from the mobile station, as specifically recited in the claims.

10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sayeedi et al. (US#7,227,848) discloses a method and apparatus for supporting multiple packet data service connections.

Bhalla et al. (US#7,301,922) discloses real time handoff in a wireless PDN.

Dorenbosch et al. (US#6,768,726) discloses a method and apparatus for effecting a seamless handoff between IP connection.

Hiller et al. (US#6,950,657) discloses a method for providing multiple points of connectivity to subscribers of wireless networks.

Choi et al. (US#6,963,550) discloses a handoff method in CDMA comm. system.

Madour et al. (US#7,065,062) discloses an mobile IP management at dormant hand over in CDMA IP based cellular PDN.

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12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION THIS ACTION IS MADE FINAL**. See MPEP ' 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Phan whose telephone number is (571) 272-3149. The examiner can normally be reached on Mon - Fri from 6:00 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel, can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

14. Information regarding the status of an application may be obtained from the Patent

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Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at toll free 1-866-217-9197.

Mphan

Dec. 30, 2008

/Man Phan/

Primary Examiner, Art Unit 2419